

REMARKS

Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the following remarks. Prior to the Office Action, claims 7-12 were pending. No claims have been amended, added, or cancelled by this Reply. Thus, claims 7-12 remain pending, of which claims 7 and 10 are independent.

Rejection under 35 U.S.C. §103(a) based on Fukada

Claims 7-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fukada et al. (EP 0 838 767 A2, hereinafter "Fukada"). Applicant respectfully traverses this rejection.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. See *M.P.E.P.* 2142. One requirement to establish a *prima facie* case of obviousness is that the prior art reference must teach or suggest all claim limitations. See *M.P.E.P.* 2142; *M.P.E.P.* 706.02(j). Thus, if the cited reference fails to teach or suggest one or more claimed elements, then the rejection must fail.

In this instance, independent claim 7 recites, in part, "changing a file name...**that has been read out of the first...recording medium** to the incremented file-number...and recording the read image file on the second...recording medium"

(*emphasis added*). Independent claim 10 also recites a similar feature. Contrary to the assertion made in the Office Action, Fukada does not teach or suggest at least this feature.

In the Office Action, it is asserted that upon a memory card, purportedly equivalent to the first recording medium claimed, being set into a card slot of a computer, processing is started, and the image files within the memory card are read one by one in order of recording. See *Office Action*, page 3, lines 6-8. It is also asserted that based on the recording property information, a temporary file name is determined. For example, property information could be a combination of a title and date of recording. A file name may also include an identifying number. For example, if the title of the property information is "flower" and the date of recording is April 3 (expressed as 0403), the file name may be determined to be "flower0403001", wherein the identifying information is assumed to be "001". See *Office Action*, page 3, lines 8-14. The Office Action further contends that after the temporary file name is determined, it is examined to see whether an image file with an identical file name already exists. If so, a new file name is determined by changing the identifying number. See *Office Action*, page 3, lines 16-20.

However, even if the above assertions are taken to be true, it is clear that the above-recited feature is not taught or suggested

by Fukada. More specifically, Fukada does not teach or suggest changing the **file name** as it exists in the first recording medium. Rather, assuming that the above assertions are true, it is the temporarily generated file name that is compared and not the file name as originally recorded in the first recording medium. Therefore, for at least this reason, independent claims 7 and 10 are distinguishable over Fukada.

Claims 8, 9, 11, and 12 depend directly or indirectly from independent claims 7 and 10. Therefore, these dependent claims are distinguishable over Fukada for at least the reasons stated with respect to independent claims 7 and 10.

Applicant respectfully requests withdrawal of the rejection of claim 7-12 under 35 U.S.C. §103 based on Fukada.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance, and such allowance is earnestly solicited. However, should there be any outstanding matters that may be resolved by a telephone conference, the Examiner is invited to contact Hyung Sohn (Reg. No. 44,346) at 703-205-8000 in an effort to expedite prosecution.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant respectfully requests one-month extension in which to file this Reply. A check for the required fee of \$110 is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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